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154

HIGH COURT OF CHHATTISGARH AT BILASPUR

W.P.No.2684/2006

CORAM: Hon'ble Shri S.R. Nayak, CJ
& Hon'ble Shri Dilip Raosaheb Deshmukh, J.

PETITIONER : Badri Prasad Verma S/o Dhanu Ram Verma, aged about 60 years, occupation cultivator and also a social activists, R/o Vilage Ghotiya, Tahsil Palari District Raipur (CG)

VERSUS

RESPONDENTS : 1. Union of India, through the Secretary, Ministry of Petroleum, New Delhi-110001.

: 2. State of Chhattisgarh, through the Secretary, Ministry of Petroleum, D.K.S. Building, Raipur (CG)

: 3. Bharat Petroleum Corporation Limited, an undertaking Company of Government of India, through the Territory Manager Retail, Bharat Petroleum Corporation Limited, P.O.L. Depot, Bijali Nagar, G.E. Road, Bhilai-3 District Durg (CG)

: 4. The Joint Director, Nagar Tatha Gram Nivesh, District Office Rai[pur (CG)

: 5. The Collector, Raipur Tahsil and District Raipur (CG)

: 6. The Chairman, Nagar Panchayat, Palari, District Raipur (CG)

: 7. Ku. Anuradha Khunte, resident of Village & Post Palari, District Raipur (CG)

Present:-
Smt. Renu Kochar, learned counsel for the petitioner.
Shri Bhishma Kinger, learned standing counsel for respondent No. 1.
Shri Utkarsh Verma, learned Dy. Govt. Advocate for the State/respondents No. 2, 4 & 5.
Shri Sanjay K. Agarwal, learned counsel for respondent No. 3.
Shri Alok Pandey, learned counsel for respondent No. 6.
Shri J.A. Lohani, learned counsel for respondent No. 7.

(175)

ORAL ORDER
(Passed on 31st August, 2006)

The following oral order of the Court was passed by S.R.NAYAK, C.J.

This petitioner namely Badri Prasad Verma, S/o Dhanu Ram Verma claming to be a *pro bono* public character, has filed this writ petition to espouse the public cause. It is complained that though the 7th respondent herein has been granted permission to open rural retail outlet/petrol pump at Pallari-Arang Road, but, in connivance with the officers of the Bharat Petroleum Corporation Limited, the 3rd respondent herein has changed the site and started construction to open the outlet at National Highway No. 9, Raipur Road. So alleging, the petitioner has sought for writ of certiorari to quash the impugned order appointing the 7th respondent as dealer for retail outlet/petrol pump and for a direction to respondent No. 1 to 4 to open the retail outlet/petrol pump at Pallari-Arang Road in terms of the advertisement annexed to the writ petition as Annexure P-1. This court having entertained the writ petition on 3.7.2006, directed notice rule-nisi. On service of notice, returns are filed on behalf of the respondents No. 1, 3, 6 & 7. In the return filed by respondent No. 3 Corporation, it is stated that the 3rd respondent had called for applications to grant outlet at Pallari-Arang Road. In paras 3 & 4 of the return of the 3rd respondent, it is stated thus: -

> "3) The Respondent No. 3 has advertised and granted retail outlet at Pallari. Pallari is a municipality having population of approximate 10,000 and it is rural market for the purpose of petrol and diesel and keeping in view the need of residents of Pallari Nagary Panchayat area, it was decided to have a retail outlet at Pallari. The advertisement was for location Pallari (Arang Road). The idea was to put up RO in the rural market of Pallari which also covers the

(176)

stretch from Gram Pallari to Arang Road. As per this, all the 09 applicants who came for interview, were considered by the independent selection committee and marks were duly awarded to each applicant without discrimination by the independent Selection Committee as per guideline who had shown availability of land at Pallari and from Pallari to Arang Road. During interview, the applicant, Miss Anuradha Khute had shown land papers (Sale Deed of 2002) of the subject site at Gram Pallari, Kh No. 832 Part, jointly owned by her and her brother, for which marks were given to her accordingly. The construction of the Petrol pump is taking place on this selected site. Thus, it is incorrect to state that the location has been changed as per the convenience of the applicant. Besides, the subject site is not on National Highway as incorrectly mentioned in the petition.

4) It is not Pallari-Arang Road. The petitioner is unnecessarily stressing on the location as Pallari-Arang Road. The object behind establishment of the petrol pump/retail outlet is to cater the needs of the residents of the village Pallari which is the Nagar Panchayat area and which is being constructed by the Respondent No. 7 within the municipal limits of Pallari. The some part of Arang road is also within the municipal limits of Nagar Panchayat Pallari. The selection of the site at Pallari is strictly as per advertisement and there is no deviation from the advertisement issued by the respondent No. 3. The present location will even otherwise be very approachable for the residents of Pallari. The petitioner has incorrectly mentioned that the subject site is on the National Highway, it is not on National Highway but it is within the municipal limits of Pallari. Therefore the petitioner's contention that it is being established in the National Highway No. 9 is incorrect and contrary to the record".

2. In para 3.E of the return of the 7th respondent, it is stated thus:-

"3.E That Shri Kuldeepak Verma was very much interested that Bharat Petroleum should give petrol pump dealership to one of his relative to Pratima Verma wife of Pooran Lal Verma who is Nephew of Kool Deepak Verma. She is also member of Janpad Parishad. Her name is just after Anuradha Khunte in the list of candidates because chance not given to her Pratima Verma inspite of her Bharat Petroleum gave chance to a Schedule Caste woman this also cause and annoyance to Verma family of Palary that due to this reason Kuldeepak Verma, Chairman Nagar Panchayat mis using his office using his office. and he is not giving No Objection to Annooradha Khunte when this fact brought in to notice of Parsadas of Nagar Panchayat they passed an resolution against the respondent No. 6 Kuldeepak Verma. I am filing the copy of Resolution your

(177)

lordship may kindly be perused Annexure D.3. The members has issued No Objection Certificate. Annexure D.3.

> कुमारी अनुराधा खूंटे पलारी जिला रायपुर निवासी का भारत पेट्रोलियम कार्पोरेशन लिमिटेड पेट्रोलियम से संबंधित अधिभोग हेतु भूमि खसरा नंबर 832 रकबा 0.49 में पेट्रोल पंप लगाने में हम सभी पार्षद किसी प्रकार की आपत्ति नहीं है अतएव समस्त पार्षद नीचे हस्ताक्षर कर आज दिनांक 17/11/2005 को किया गया यह अनापत्ति प्रमाण पत्र जनहित को देखते हुये दिया जा रहा है।"

3. It is quite often said and reiterated by the Courts, particularly in recent times, that the menace of dishonest and mischievous Public Interest Litigations should be curbed at the threshold. Public Interest Litigation as a social mechanism to address the issues of public justice is a noble technique which has to be invoked and entertained with circumspection and accountability. Public Interest Litigation as a technique should not be availed of or misused by the busybodies and unscrupulous elements in the garb of PIL to serve reliefs to kith and kin of the mover of the application. Furthermore, it needs to be noticed that it is not as if each and every violation and irregularity in the State action could be subject matter of Public Interest Litigation. A substantive injury to the public interest involving large number of people could alone be subject matter of Public Interest Litigation.

4. In the instant case, in the first place, it seems that the petitioner, who is aged 60 years, has come before this Court claiming to be a *pro bono* public character to espouse the public cause. But, quite curiously, it is now stated as reflected in the paragraph of 3.E of the counter filed by the respondent No. 7, which

(148)

stands uncontested that the petitioner has instituted this Public Interest Litigation for extraneous consideration and in order to help his own relative. Therefore, this writ petition is liable to be dismissed in *limine*. Be that as it may, as stated supra, granting outlet to any individual like the 7th respondent, even assuming that there is some departure in the matter of choosing the place for opening the outlet, that itself cannot be a subject matter of Public Interest Litigation. The Government of India and its authorities grant and renew thousands of licenses and permissions every year and the Court cannot treat each and every irregularity or violation in such grants/permission as a valid ground to be agitated in Public Interest Litigations. Of course, it is open for the aggrieved other applicants, who also applied for grant of outlet to make grievance. It is not as if the relative of the petitioner and other applicants, if any, if they are denied grant to open outlet illegally, are helpless or hapless to work out their legal remedies. A PIL can be instituted by a *pro bono* public character only on behalf of people who due to economic, social and political disabilities cannot seek themselves legal remedies. Be that as it may, on merit also, having gone through the statement made by the 3rd respondent Corporation, there is no merit in the allegations made against the 7th respondent. We do not have any good reason to doubt the integrity of the sworn statement made by the Petroleum Corporation, the 3rd respondent.

5. Looking from any angle, this is not a fit case where we should entertain this writ petition. This writ petition is accordingly dismissed. No costs.

Sd/-
Chief Justice

Sd-/
Dilip Raosaheb Deshmukh
Judge

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